

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04 11539 JLT

WALTER STICKLE, ANTHONY)
CALIENDO, JOHN PITINGOLO, and)
DANIEL FISHER,)
Plaintiffs)
)
v.)
)
ARTHUR ORFANOS,)
Defendant)
)

AFFIDAVIT OF ARTHUR ORFANOS

I, Arthur Orfanos, do hereby depose and state under oath,

1. I am the defendant/plaintiff in the above action and I am familiar with and have first hand knowledge of the facts that I am about to relate.
2. On November 8, 2004, Attorney Pelosky notified me of the order.
3. On November 10, 2004, Attorney Newman contacted Mr. Pelosky demanding Pinkvoyd.net be removed by November 12, 2004. I spent a number of hours on the evening of Thursday November 11, 2004, to do so.
4. On November 11, 2004, Pinkvoyd.net was removed. I have submitted a letter from the web server to confirm this (Exhibit A). I am not violating the order. It is merely a tactic for the plaintiffs/defendants to seek unjustified action against me to cause further suffering.
5. The Plaintiffs have fraudulently submitted a motion for contempt against me. It appears [they] will stop at no cost to justify the unnecessary legal fees in which

they claim to have spent thus far (\$29,788.00). They try to blame me for their frivolously spending this alleged amount. (which, I have reason to believe, is also a fraudulent figure).

6. Plaintiffs/defendants (Caliendo, Pitingolo) continue to harass my family and I. They have reported to my brother Steven that their counsel, Attorney William Hunt has promised that they will achieve a financial gain from me and will stop at nothing to achieve this goal. They have also failed to obey and/or abide by the demand letter issued on June 22, 2004, which stated to not have contact with me or my family.

7. My brother Steven has been threatened by plaintiffs/defendants that Attorney William Hunt has expressed to them he "knows how to fix things in court" "so that they can come after me" even in the years to come, or, if my parents "were to die" that they will be able to step in and interfere with any family matters. I am fearful of these threats and behaviors and serious concerns are growing amongst my family members.

8. Mr. Fisher has again contributed willingly in misleading the honorable court as the plaintiffs will stop at nothing and continue to attempt in confusing the courts perception. Mr. Fisher falsely claims that I have linked "their archives." (Exhibit A-~~plaintiffs~~ paragraph 7).

9. Mr. Fisher refers to web archives that exist solely in public domain, (NOT the property of Pink Voyd and/or the Plaintiffs/defendant's), Mr. Fisher testifies under oath that these archives (which I have entered into evidence, please see Defendant's previous exhibit 9A) are in fact, video clips of myself performing with the plaintiffs/defendants advertised on Pinkvoyd.com as "PINK VOYD."

10. These links are not the property of the plaintiffs/defendants and (as I stated) are available for public viewing by the web archives web site (commonly known as the "Wayback Machine"; webarchives.org).

11. The plaintiffs/defendants are trying to twist this as my failure to comply with the court order, and I can assure the court this is not so. By stating [these factual events] it is clear Mr. Fisher's actions present evidence that "Pink Voyd" was/is The Mood. By this statement, it is clear that again, Mr. Fisher agrees that Pink Voyd was/is The Mood and has willingly provided false testimony against me.

12. Mr. Fisher mentions "Themood.us" site, (which is not relative). There is an "email trace" link attached to Themood.us, this shows the actual email trace of plaintiff/defendant John Pitingolo who has accused me of committing murder, and claims having knowledge of an unsolved murder case (entered previously into evidence; please refer to defendant's previous exhibit 17).

13. The source code of Themood.us mistakenly contained my personal letter (written to the plaintiffs/defendant's, May 6, 2004) on 1 out of 19 possible web pages. However, this was not something that was "published" or visible to the public, it was in no way intentional.

14. The plaintiffs/defendants attempted to trap me by giving me only a 2 day period to achieve this. It was a careless oversight on my part, as I was rushed and pressured to get this done (within an unreasonable time), nevertheless, I accomplished this. I would not jeopardize my honor in any way by such a foolish act. I believe the honorable court will understand that this was not done intentionally as I was successful in removing the Pinkvoyd.net site in the short time I was allowed. I apologize for my error.

15. This is a malicious attempt for the plaintiffs to attack me in any way possible by requesting the court make me suffer "severe consequence." for this but do not seek that I suffer "severe consequence" for alleged Blackmail, Murder, and Extortion for which they have falsely accused me of. This alone shows their actions are fraudulent malicious, and frivilous.

16. They claim that I blatantly avoid the court order, this is not true, Mr. Fisher has provided inaccurate evidence which do not have dates, these printed pages from websites are likely to have been printed prior to November 2004, and are being presented to the court falsely. Therefore, they cannot be substantiated.

17. The plaintiffs/defendants demanded that I remove the Pinkvoyd.net site by November 12, 2004, and I have done so on November 11, 2004, yet they have filed this motion for contempt of court against me on December 7, 2004. Not only have they gone against their word, but they again are determined to mislead the honorable court in bad faith. They present false claims against me now with concerns that date before November 12, 2004.

18. It is obvious that the plaintiffs/defendants are intent on being malicious. They bring this claim immediately at the beginning of the Christmas and New Year holiday by attempting to pressure the court to falsely inflict punishment upon me as they have all along. This is causing extreme emotional distress to myself, my wife, and our families. I have been losing sleep (as other family members have) and suffering emotional difficulties as have others, over this continuation of false allegations and these threatening behaviors.

19. The plaintiffs have sent false claims that I have harassed them,

committed blackmail and extortion against them, by emailing a third party(s) (Exhibit B) including Judge Tauro's name, (docket number included) boasting facts of the case with these false and libelous claims. I am quite concerned with their behavior and request that the proper course of action be taken against them.

20. The plaintiffs/defendants are now infringing upon my 1st Amendment right of free speech and ask the court to falsely punish me and suggest that I pay "severe consequence," for "Themood.us" site, (not relative to this case). They present unrelated claims more than once that I am misrepresenting myself, and in United States District Court attempting to silence my right to free speech, and asking the court to rule in their favor on this. This is highly outrageous.

21. I wish to remind that court that Daniel Fisher is involved in previous false statements presented to this court and he is responsible for committing intellectual property violation and copyright infringement upon "THE" PINK FLOYD in May of 1994 (I have previously provided evidence of this to the court) therefore, his testimony cannot be trusted.

22. It's likely that Mr. Fisher's (and other) testimony presented to the court on December 7, 2004, (signed December 6, 2004) is willfully misleading and clearly reflects and could verify plaintiffs/defendant's counsel's promise of financial gain as threatened by the plaintiff/defendants to my brother Steven.

23. Attorney Newman addressed the court with misleading information on September 29, 2004 that I was "unwilling to negotiate or mediate" with the plaintiffs/defendants. I wish to remind the court of the many attempts that I made to contact the plaintiffs/defendants to discuss my claim "outside of the courtroom".

24. My letter dated August 20, 2004, letter sent to Attorney Newman.
25. Demand letter issued to the plaintiffs/defendants dated June 22, 2004.
26. Personal telephone call I made to Anthony Caliendo June 17, 2004.

(Mr. Caliendo responded to me violently and refused to speak with me and hung up).

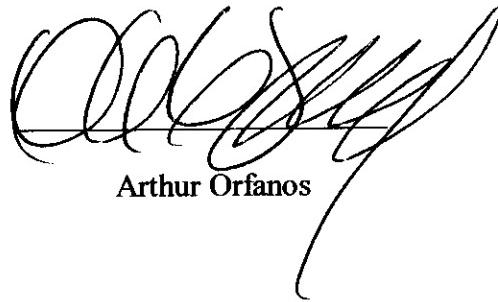
27. My personal letter dated May 6, 2004, inviting the plaintiffs/defendants to contact me regarding my claim. A settlement out of court was offered by myself. I was perfectly clear that I did not wish for this matter to enter the courtroom. Money was not the issue and was never mentioned. I stated that the plaintiffs/defendants cease using my intellectual property.

28. They have refused on four separate occasions to accept my willingness to communicate. Their response was this costly and frivolous lawsuit. They claim that they are acting in good faith but continue to lie to the court.

29. They claim to have no association with myself and/or The Mood, yet have again advertised on the Pinkvoyd.com "THE MOOD" with a link to my website on September 30, 2004, one day after the court date for preliminary injunction, taunting and continuously antagonizing me, and boast that they are intent on inflicting harm upon me and libel, with other advertised statements "The Mood Disorder", "one that suffers from depression" etc. (Exhibit C)

30. I am in not in contempt of the court order and I request the honorable court enforce the demand letter issued, June 22, 2004, as they continue to violate it without regard and that their actions, and behaviors be reprimanded immediately.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 20th DAY
OF December 2004.



A handwritten signature in black ink, appearing to read "Arthur Orfanos". The signature is fluid and cursive, with a large, stylized 'A' at the beginning.

Arthur Orfanos